

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Customer No. 27614**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Our file: 99811-00002  
Applicant: David Rabe  
Serial No.: 10/687,455  
Filing Date: 10/16/2003  
Title: Ankle Brace

Examiner: Wieker, Amanda Flynn  
Art Unit: 3743

Sir:

Enclosed for filing in the United States Patent and Trademark Office is the following:

1. Request for Withdrawal as Attorneys of Record and Change of Correspondence Address
2. Transmittal Sheet
3. Postcard Receipt

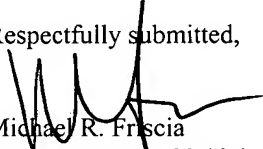
**CONDITIONAL PETITION**

If any extension of time is required for the submission of the above-identified items, Applicant requests that this be considered a petition therefor. Please charge any additional charges or any other charges relating to this matter, or credit any overpayment, to the Deposit Account of the writer, **Account No. 503571**. A duplicate copy of this letter is enclosed.

Date

9/28/06

Respectfully submitted,

  
Michael R. Friscia  
Registration No. 33,884  
McCarter & English, LLP  
Four Gateway Center  
100 Mulberry Street  
Newark, NJ 07102  
Tel: (973) 639-8493  
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Check One and Complete:

☐ **CERTIFICATE OF MAILING BY EXPRESS MAIL**

I hereby certify that this correspondence is being deposited with the United States Postal Service, postage prepaid, as "Express Mail Post Office to Addressee," Mailing Label No. \_\_\_\_\_ US to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on \_\_\_\_\_.

By: \_\_\_\_\_

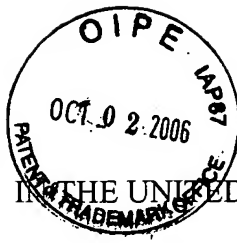
☒ **CERTIFICATE OF MAILING BY FIRST CLASS MAIL**

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9/28/06

By: \_\_\_\_\_

  
Janelle Fava



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: David Rabe

Serial No.: 10/687,455

Filed: 10/16/2003

For: Ankle Brace

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Group Art Unit: 3743

Examiner: Wieker, Amanda Flynn

Confirmation No.: 8737

REQUEST FOR WITHDRAWAL AS ATTORNEYS OF RECORD AND  
CHANGE OF CORRESPONDENCE ADDRESS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, the undersigned attorney of record in the above-captioned patent application, hereby apply to the Commissioner to withdraw me, and the attorneys associated with Customer Number 27614, as the attorney of record for this application, for non-payment of legal fees, as set forth in detail below:

1. The above-captioned application was filed on October 16, 2003, in the name of David Rabe.
2. Since the filing date of his application to the present, we have rendered legal services to him, as our client, in connection with filing and maintaining the application.
3. In exchange for the legal work, Mr. Rabe agreed to pay us our hourly fee plus all disbursements incurred on his behalf.

4. Between October 2003 and August 2006, we submitted numerous invoices to Mr. Rabe for the legal work and the disbursements incurred in connection with his patent matters.

5. To date, Mr. Rabe has not paid us for much of the legal work we provided and has not paid us for many disbursements that we advanced. Mr. Rabe presently owes us a substantial balance for legal services and disbursements. Invoices dating from November 2005 remain unpaid. Numerous calls have been made and letters sent in an attempt to collect on the outstanding balance, all to no avail.

6. Mr. Rabe has made numerous promises to us that further payments will be forthcoming but has not kept such promises.

7. It has become increasingly difficult to communicate with Mr. Rabe because he no longer returns our telephone calls relating to the outstanding balance.

8. We believe that we will be harmed if we were to continue to assume responsibility in any way over this application. Specifically, if this application for withdrawal is not approved, then our professional and ethical obligations as attorneys would force us to expend additional time and resources on behalf of Mr. Rabe in paying the Issue Fee due in order to keep the patent application from going abandoned. However, we would most likely receive no compensation for this effort.

9. The application is currently pending and there is no outstanding matter which requires a response.

10. We have sent copies of the complete file relating to this matter to Mr. Rabe.

11. Once the application for our withdrawal is approved, kindly direct all future correspondence regarding this application to David Rabe at his address of 29 Overlook Road, Chatham, New Jersey 07928.

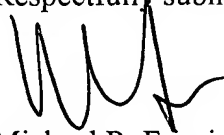
In conclusion, in the absence of receiving all of our fees from Mr. Rabe, we do not want to expend any further time on this application or continue to be responsible in any way therefor. For this reason, we earnestly solicit the Commissioner's prompt consideration and approval of this application to withdraw.

A copy of this Request to Withdraw has been served upon Applicant.

Dated: \_\_\_\_\_

9/28/06

Respectfully submitted,



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